



Order Filed on April 21, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with
D.N.J.LBR 9004-1**

STEWART LEGAL GROUP, P.L.

Formed in the State of Florida

Gavin N. Stewart, Esq.

Of Counsel to Bonial & Associates, P.C.

401 East Jackson Street, Suite 2340

Tampa, FL 33602

Tel: 813-371-1231/Fax: 813-371-1232

E-mail: gavin@stewartlegalgroup.com

Attorney for Creditor

In re:

Gary L. Smiley

Debtor.

Chapter 13

Case No. 16-32030-JNP

Hearing Date: April 20, 2021

Judge Jerrold N. Poslusny Jr.

CONSENT ORDER RESOLVING CERTIFICATION OF DEFAULT

The relief set forth on the following pages is hereby **ORDERED**.

DATED: April 21, 2021

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Debtor: Gary L. Smiley
Case No.: 16-32030-JNP
Caption of Order: **CONSENT ORDER RESOLVING CERTIFICATION OF
DEFAULT**

THIS MATTER having been opened to the Court upon the Certification of Default (“COD”) filed by Harley-Davidson (“Creditor”), whereas the total post-petition arrearage as of April 19, 2021 was \$4,165.04 and whereas the Debtor and Creditor seek to resolve the COD, it is hereby **ORDERED**:

1. The automatic stay provided under 11 U.S.C. §362(a) shall remain in effect as to Creditor’s interest in the following property: **2013 Harley-Davidson FXDWG-103 DYNA WIDE GLIDE, VIN: 1HD1GPM18DC301484** (“Property”) provided that the Debtor complies with the following:

- a. On or before April 23, 2021, the Debtor shall remit a lump sum payment in the amount of **\$4,165.04** directly to Creditor;
- b. The Debtor shall thereafter resume making the regular contractual payments directly to the Creditor as each becomes due and continuing thereon per the terms of the underlying contract.

2. All payments due hereunder shall be sent directly to Creditor at the following address: **Harley-Davidson Credit Corp., Dept 15129, Palatine, Illinois 60055-5129.**

3. The Debtor will be in default under the Consent Order in the event that the Debtor fails to comply with the payment terms and conditions set forth in above paragraphs and/or if the Debtor fails to make any payment due to Creditor under the Chapter 13 Plan.

4. In the event that the lump sum payment described in Paragraph 1(a) is not received on or before April 23, 2021, the automatic stay under section 362 of the Bankruptcy Code shall be deemed terminated as to Creditor’s interest in the above Property by entry of this Order.

5. If the automatic stay is not already terminated as described herein and the Debtor fails to cure the default in the remaining contractual payments within thirty (30) days from the date of default, pursuant to Local Rule 9013-4(e), Creditor may submit an order lifting the automatic stay imposed under 11 U.S.C. § 362(a) permitting Creditor to exercise any rights under the loan documents with respect to the Property.

6. Creditor is awarded reimbursement of attorney fees in the amount of \$250.00 to be paid through the Chapter 13 Plan.

STIPULATED AND AGREED:

/s/ Thomas E. Dowey
Thomas E. Dowey, Esq.
Law Office of Thomas Dowey
1423 Tilton Road, Suite 8
Northfield, NJ 08225
Counsel for Debtor

/s/ Gavin N. Stewart
Gavin N. Stewart, Esq.
Stewart Legal Group, P.L.
401 East Jackson Street, Suite 2340
Tampa, FL 33602
Counsel for Creditor

In re:
Gary L Smiley
Debtor

Case No. 16-32030-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Apr 22, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 24, 2021:

Recip ID	Recipient Name and Address
db	+ Gary L Smiley, 400 South County Blvd, Egg Harbor City, NJ 08215-3031

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 24, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 22, 2021 at the address(es) listed below:

Name	Email Address
Brian C. Nicholas	on behalf of Creditor Harley-Davidson Credit Corp bnicholas@kmlawgroup.com bkgroup@kmlawgroup.com
Craig Scott Keiser	on behalf of Creditor ARVEST CENTRAL MORTGAGE COMPANY craig.keiser@law.njoag.gov
Denise E. Carlon	on behalf of Creditor Harley-Davidson Credit Corp dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Gavin Stewart	on behalf of Creditor Harley-Davidson Credit Corp bk@stewartlegalgroup.com
Gavin Stewart	on behalf of Creditor Harley-Davidson Credit Corp. bk@stewartlegalgroup.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com

District/off: 0312-1

User: admin

Page 2 of 2

Date Rcvd: Apr 22, 2021

Form ID: pdf903

Total Noticed: 1

Isabel C. Balboa

ecfmail@standingtrustee.com summarymail@standingtrustee.com

James Patrick Shay

on behalf of Creditor ARVEST CENTRAL MORTGAGE COMPANY shay@bbs-law.com jpshay@gmail.com

Steven P. Kelly

on behalf of Creditor ARVEST CENTRAL MORTGAGE COMPANY skelly@sterneisenberg.com bkecf@sterneisenberg.com

Thomas E. Dowey

on behalf of Debtor Gary L Smiley tdesquire@hotmail.com

TOTAL: 10